

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TAMIKA DRUMMOND

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V.

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No. 20-CV-01362-DAE

PHOENIX RECOVERY GROUP
DBA TOLTECA ENTERPRISES
INC., ET AL

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**SUPPLEMENTAL MOTION FOR A MORE DEFINITE STATEMENT, TO DISMISS
FOR LACK OF PERSONAL JURISDICTION, AND TO DISMISS
FOR LACK OF PROPER SERVICE OF PROCESS**

Defendant supplements its motion for a more definite statement under Rule 12(e) of the Federal Rules of Civil Procedure as follows and does not hereby waive its motion to dismiss this lawsuit on because there is a lack of personal jurisdiction over the Defendant under Rule 12(b)(2), Federal Rules of Civil Procedure; or the motion to dismiss the suit under Rule 12(b)(4), (5) because the summons is substantively defective.

A. Introduction

1. Plaintiff is Tamika Drummond.
2. Plaintiff sued this Defendant under the Fair Credit Reporting Act, 15 USC §1681, et. seq., (the “FCRA”).
3. The Complaint against Defendant is so vague that Defendant is unable to file a responsive pleading. Therefore, the court should require Defendant to amend its Complaint concerning Defendant with a more definite statement of the suit.

B. Supplemental Grounds for a More Definite Statement

4. As a supplemental reason for the court to grant the motion for a more definite statement, the Plaintiff does not allege or provide fair and adequate notice why the notation “account is dispute”

is inaccurate and the Complaint does not state with reasonable particularity the nature of the dispute on any account Plaintiff may be alluding to as being in dispute nor is there any reasonably adequate allegation why any notation is inaccurate or damaging nor does Plaintiff state which account she alludes to in her Complaint.

WHEREFORE, this Defendant “Phoenix Recovery Group” asks the court to dismiss this lawsuit and order a more definite statement.

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CERTIFICATE OF SERVICE

I certify that on March 17, 2021, St. Patrick’s Day, the foregoing was filed with the court’s CM/ECF electronic filing system which will give electronic notice of this to Plaintiff’s attorney of record, Michael B. Halla.

S/Thomas A. Clarke

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TAMIKA DRUMMOND

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V.

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No. 20-CV-01286

PHOENIX RECOVERY GROUP
DBA TOLTECA ENTERPRISES
INC., ET AL

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ORDER ON THE MOTION FOR A MORE DEFINITE STATEMENT

After considering the motions to dismiss and the response, the court GRANTS the motion and orders Plaintiff to amend her Complaint to cure, if she can, the inadequate allegations that are set forth in the motion for a more definite statement.

Signed on _____, 2021.

U.S. District Court Judge Presiding